

BOOK 37 Pages 295-306



AMHERST COUNTY BOARD OF SUPERVISORS

Board of Supervisors

Jennifer R. Moore, Chair
District 5
David W. Pugh, Jr., Vice-Chair
District 4
Tom Martin, Supervisor
District 1
L. J. Ayers III, Supervisor
District 3
Claudia D. Tucker, Supervisor
District 2

MINUTES

January 5, 2021
Administration Building - 153 Washington Street Public Meeting Room
Amherst, Virginia 24521
Meeting Convened - 3:00 PM

County Administrator Dean C. Rodgers

> County Attorney Mark Popovich

I. Call to Order

At a Regular Meeting of the Amherst County Board of Supervisors held on January 5, 2021 at 3:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

Jennifer R. Moore, Chair David W. Pugh, Jr., Vice-Chair Tom Martin, Supervisor L. J. Ayers III, Supervisor Claudia D. Tucker, Supervisor

ABSENT: None

STAFF:

Dean C. Rodgers, County Administrator David R. Proffitt, Deputy County Administrator Mark Popovich, County Attorney Regina M. Rice, Clerk to Boards

County Administrator Rodgers called the meeting to order at 3:00 p.m.

II. Invocation and Pledge of Allegiance

County Administrator Rodgers led the Invocation and Pledge of Allegiance.

III. Amherst County Board of Supervisors - Reorganization for 2021

A. Election of Officers

Clerk Rodgers opened the nominations for Chair of the Amherst County Board of Supervisors for 2021. Supervisor Tucker nominated Jennifer R. Moore to serve as the Chair of the Amherst County Board of Supervisors for 2021. Supervisor Ayers seconded the nomination.

The nominations were closed.

The Board declared Jennifer R. Moore as Chair of Amherst County Board of Supervisors for 2021.

AYE:

Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY:

None

ABSENT:

None

Chair Moore opened the nominations for Vice-Chair of the Amherst County Board of Supervisors for 2021. Supervisor Martin nominated David W. Pugh, Jr. to serve as the Vice-Chair of the Amherst County Board of Supervisors for 2021. Supervisor Tucker seconded the nomination.

The nominations were closed.

By motion of Supervisor Martin and with the following vote, the Board declared David W. Pugh, Jr. as Vice-Chair of Amherst County Board of Supervisors.

AYE:

Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY:

None

ABSENT:

None

B. Appointment of Liaisons

By motion of Vice-Chair Pugh and with the following vote, the Board adopted the following appointments as agreed.

AYE:

Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY:

None

ABSENT:

None

2021 Legislative Appointments

Liaison to Planning Commission:

Pugh

Liaison to Department of Social Services:

Pugh

Liaison to Emergency Services Council:

Ayers

Representatives to the Joint Board Committee (School Board): Tucker & Moore

Tucker

Liaison to Agriculture Committee:

Liaison to the School Board:

Tucker

Members of the Building Committee:

Martin & Tucker

Community Development Block Grant Mgt. Team:

Moore

PDC Local Government Council:

Tucker

Workforce Development Council:

Moore

Transportation Planning Organization, Policy Board:

Moore

Parks, Recreation & Cultural Development Board:

Martin

C. Meeting Schedule

The Board of Supervisors voted to keep the day and time of monthly Board meetings as the first and third Tuesdays of each month, 3:00 p.m. and 7:00 p.m., respectively.

By motion of Supervisor Martin and with the following vote, the Board adopted 3:00 p.m. as the regular meeting time for the first Tuesday meeting of each month and 7:00 p.m. as the regular meeting time for the third Tuesday meeting of each month.

AYE:

Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY:

None

ABSENT:

None

D. Adopt Rules of Procedure

By motion of Vice-Chair Pugh and with the following vote, the Board adopted the Rules of Procedure for 2021 as proposed which included the following addition to Section 3-4 Citizen Comment as "E. Members of the public wishing to offer comment to the Board but are unable to attend the meeting may send correspondence to the County Administrator to be read aloud during the public comment portion of the meeting. If a time limit has been placed on other speakers, it will also be applied to the reading of the correspondence". (See Attachment 1)

AYE: Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY: None ABSENT: None

IV. Approval of Agenda

By motion of Supervisor Tucker and with the following vote, the Board approved the agenda for January 5, 2021.

AYE: Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY: None ABSENT: None

V. Citizen Comment

Ms. Gloria Witt of Madison Heights, Virginia, addressed the Board on behalf of NAACP members and friends. She advised at their December 21 meeting, members and friends created a petition to raise awareness to keep Amherst County safe and oppose the First Amendment Sanctuary County Resolution. Ms. Witt asked the Board not adopt this resolution. (See Attachment 2)

Ms. Beverly Jones of Madison Heights, Virginia, submitted a letter and requested it be read during Citizen Comment session opposing the First Amendment Sanctuary County resolution.

County Administrator Rodgers read Ms. Jones's letter in the public comment session. (See Attachment 3)

VI. Ordinance - First Read

A. Ordinance 2021-0001, enacting Chapter 2, Administration, of Article II, to the Code of the County of Amherst, to address Disclosure of Personal Interests.

County Attorney Mark Popovich advised that the State and the Conflict of Interest Act requires state and local government employees to file disclosure forms. This proposed ordinance would require filing of disclosure forms by local government employees and appointees as a condition of employment and/or appointment. The ordinance will allow the Board to incorporate the same requirement to people of "trust" such as the County Administrator, Service Authority Director, ACSA Board members and EDA Board members to file similar forms as required by state code.

By motion of Supervisor Martin and with the following vote, the Board adopted the first read of Ordinance 2021-0001, as presented and directed staff to schedule a public hearing for January 19, 2021.

AYE: Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY: None ABSENT: None

VII. Consent Agenda

By motion of Vice-Chair Pugh and with the following vote, the Board approved the Consent Agenda for January 5, 2021.

AYE: Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY: None ABSENT: None

A. Minutes - December 1, 2020.

It was moved that the Board adopt the Minutes of December 1, 2020.

VIII. New Business

A. VDOT Rural Rustic Six Year Road Plan

Mr. Robert Brown, VDOT Residency Administrator, presented VDOT's Rural Rustic Six Year Plan. He advised the plan was approved in November 2020 and requested the Board schedule a public hearing. Mr. Brown said no changes were made to the approved plan, however, there was one exception regarding county-wide drainage problems. This exception will allow state forces to use some County VDOT money to work on certain drainage issues.

Mr. Brown said during March 2021, the new FY22 plan will be revised to include additional roads for future Board consideration. At that time he will bring the revised plan back to the Board of Supervisors for review.

Additional requests were made by Supervisor Martin and Supervisor Tucker to look at Geddes Mountain Road and the upper end of Indian Creek Road.

County Administrator Rodgers asked the Board to contact the Director of Community Development anytime during the year when there may be roads that Board members would like VDOT to consider. He advised that Mr. Bryant keeps a "running list" of any requests.

By motion of Vice-Chair Pugh and with the following vote, the Board directed staff to schedule a public hearing for January 19, 2021 on the projects list.

AYE: Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY: None ABSENT None B. Discussion - By-Right Site Plans to Planning Commission
Community Development Director Jeremy Bryant addressed the Board regarding the issue of
by-right site plans and current reviews by the Planning Commission. He said the current
County Zoning Ordinance requires minor and major site plans be reviewed by the
Development Review Committee (DRC) and the Planning Commission. The Planning
Commission has recommended that it would no longer review by-right site plans, however, the
DRC would continue to review those site plans.

Supervisor Martin commented that it seemed odd that the Planning Commission was having to approve by-right plans. He said in an effort to be more business friendly and streamline the process, he recommended that staff approve those plans.

By motion of Supervisor Martin and with the following vote, the Board accepted the Planning Commission's recommendation by directing staff to draft an ordinance and schedule a public hearing to make the recommended modifications.

AYE: Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY: None ABSENT None

C. Employee Bonuses

County Administrator Rodgers informed the Board this topic was proposed by Supervisor Martin at a previous Board meeting for discussion of a \$500 bonus to match the \$500 bonus given to Sheriff deputies in December 2020.

Mr. Rodgers said it would cost \$96,356.00 to include bonuses for Public Safety, the Department of Social Services and County staff.

Supervisor Martin expressed his appreciation to all and especially Public Safety dealing with COVID and County staff keeping County government moving forward. He said that available funding for the bonuses should be taken out of the County's general fund.

Vice-Chair Pugh said the Board took care of County employees in the spring by providing salary upgrades and approving a 2% raise to all. He said he respects and appreciates all staff, however, does not support pulling \$96,000 out of the general fund to pay for the bonuses.

Chair Moore agreed with Vice-Chair Pugh and said that compensation County staff received last year showed the Board's appreciation but in this case she believed the \$100,000 should go towards tools and equipment to make employees jobs easier.

By motion of Supervisor Martin and with the following vote, the Board approved a one-time \$500 bonus for all full-time staff that includes Public Safety, Dept. of Social Services and County staff.

ROLL CALL VOTE

AYE: Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY: Ms. Moore and Mr. Pugh

ABSENT: None

IX. County Administrator's Report

A. Amherst County Regulation 7 - Purchasing Manual

County Administrator Rodgers reported this update the County's Purchasing Manual is to comply with State law by raising the minimum purchase levels and to fulfill a requirement to include a selection criteria of how the County chooses between existing contractors.

By motion of Supervisor Ayers and with the following vote, the Board endorsed Amherst County Regulation 7, Purchasing Manual, as presented.

AYE: Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY: None ABSENT None

B. Projects Status Report

County Administrator Rodgers updated the following items:

Riverview Convenience Center – the Planning Commission has reviewed the proposal and recommended against that location. He said citizens voiced opposition and asked that the site be moved further down the road. He advised he will come back to the Board with another proposal.

Supervisor Martin asked for clarification on the selection of the engineering design contractor. Mr. Rodgers replied that work has been stopped until a decision is made to move forward.

Vice-Chair Pugh stated that citizens do not want a convenience center on Riverview Road nor do they want it moved further down the road. He said that this area is served by County Waste and there are options available to use the landfill and the Coolwell Convenience Center. Due to overwhelming public opposition, he did not want to see this moving forward.

County Administration lockbox - Mr. Rodgers advised a lockbox is in place in the County Administration office. The Chair and Vice-Chair will need to schedule an appointment at BB&T Bank to collect certain personnel records from the bank and deposit those records in this lockbox.

X. County Attorney's Report

A. Freedom of Information Act (FOIA) and Conflict of Interest Act (COIA)
Training

County Attorney Mark Popovich provided the Board with training on the Freedom of Information Act (FOIA) and Conflict of Interest Act. (COIA). He said this will fulfill the 2021 requirement. (See Attachments 4 and 5)

XI. Liaison and Committee Reports

A. Planning Commission Liaison - Mr. David Pugh Vice-Chair Pugh reported on a minor site plan and SolAmercia.

XII. Citizen Comment

There was no public comment.

XIII. Matters from Members of the Board of Supervisors

Supervisor Tucker had no matter to discuss.

Supervisor Ayers had no matter to discuss.

Supervisor Martin had no matter to discuss.

Vice-Chair Pugh had no matter to discuss.

Chair Moore had no matter to discuss.

XIV. Closed Session

A. A closed session, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, to evaluate the performance of the County Administrator.

B. A closed session, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended, for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically relating to an Agricultural Center site in District 1.

Supervisor Tucker moved that the Amherst County Board of Supervisors convene in closed session pursuant to the personnel exemption at § 2.2-3711 (A)(1) of the Code of Virginia, 1950, as amended, for the purpose of discussion, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the County specifically related to a Department Head; and a closed session, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended, for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically relating to an Agricultural Center site in District 1.

AYE: Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY: None ABSENT: None

Supervisor Tucker moved to come out of closed session and was approved with the following vote:

AYE: Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY: None ABSENT: None

XV. Certification of Closed Session

Supervisor Tucker moved that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

ROLL CALL VOTE

Ms. Moore AYE

Mr. Pugh AYE

Mr. Martin AYE

Mr. Ayers AYE

Mrs. Tucker AYE

B. A closed session, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended, for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically relating to an Agricultural Center site in District 1.

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AYE: Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY: None ABSENT: None

Supervisor Tucker moved to come out of closed session and was approved with the following vote:

AYE: Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY: None ABSENT: None

XV. Certification of Closed Session

Supervisor Tucker moved that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

ROLL CALL VOTE

Ms. Moore AYE

Mr. Pugh AYE

Mr. Martin AYE

Mr. Ayers AYE

Mrs. Tucker AYE

Amherst County Board of Supervisors Rules of Procedure

Amherst County Board of Supervisors Rules of Procedure

January 2021

Preamble

These rules of procedure ("Rules") are established for the convenience of the members of the Amherst County Board of Supervisors ("Board"). A violation of the Rules shall not affect the legality or enforceability of any action the Board takes.

The Rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment shall require an affirmative vote of a majority of the Board.

The Board may adopt special rules of procedure to cover any situations that are not adequately addressed in the Rules. Adoption of a special rule of procedure shall require an affirmative vote of a majority of the Board.

SECTION ONE – MEETINGS

Section 1-1. Organizational Meeting

- A. The first meeting in January of the Amherst County Board of Supervisors (hereafter, "Board") shall be known as the organizational meeting. The Clerk of the Board shall preside during the organizational meeting pending the election of the Chair.
- B. The term of the office for the Chair and Vice Chair typically extends for one year. The Board shall elect one of its members as Chair.
- C. Following the election of the Chair, he or she shall preside during the Board's election of the Vice Chair.
 - D. Following the election of the Vice Chair, the Board shall:
 - 1. Establish the dates, times, and places for regular meetings; and
 - 2. Adopt its Rules of Procedure.

Section 1-2. Regular Meetings

A. Although the time and place of regular meetings of the Board shall be established at the organizational meeting, it is the Board's usual practice to hold meetings in the School Board meeting room on the first floor of the Amherst County Administration Building, as follows:

First Tuesday of the month, 1:00 p.m. – Regular meeting Third Tuesday of the month, 7:00 p.m. – Regular meeting

The Board shall generally follow Robert's Rules of Procedure, 11th Edition, as modified for small boards, by the Code of Virginia, and by prevailing Amherst County practice.

- B. The Board may hold work sessions prior to or following a regular meeting, or on a separate date from a regular meeting. Work sessions are conducted informally: they typically are not opened with an invocation or pledge of allegiance, do not require communication through leave of the Board Chair, and may be conducted in a roundtable format, with all involved parties seated at the table and participating in the discussion.
- C. The Board may hold additional meetings or work sessions at other locations and times, or may change the locations and times of regularly scheduled meetings or work sessions as it deems necessary. Notice of such additional meetings or changes to the location or time of regularly scheduled meetings or work sessions shall be provided to the public and the press as required by State Code.

Section 1-3. Special Meetings

- A. The Board may hold such special meetings as it determines are necessary. Special meetings shall be called pursuant to Section 15.2-1417 of the Code of Virginia (1950), as amended.
- B. Special meetings shall be held when called by the Chair or requested by two or more Board members. The call shall be made to the Clerk, and shall specify the matters to be considered at the meeting. Upon receipt of such call, the Clerk, after consultation with the Chair, shall immediately notify each Board member and the County Attorney in writing delivered in person or to a place of residence or business or, if so requested by a Board member, by electronic mail or facsimile. The notification shall request that the Board member and County Attorney attend such meeting at the time and place stated in the notice, and shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting, unless all members are present and all members agree to discuss or act on such additional item at the special meeting. Written notice of the special meeting may be waived if all members of the governing body attend the special meeting or sign a waiver.
- C. Notice to the public and the media of any special meeting shall be given contemporaneously with the notice provided the Board members and the County Attorney.

Section 1-4. Cancelling, Rescheduling, Recessing, or Continuing Meetings

- A. A regularly scheduled meeting may be cancelled or rescheduled in special circumstances, including in response to a state or locally declared state of emergency, or if the change would not affect an advertised public hearing or a scheduled public presentation for the convenience of the Board. If the Chair and Vice Chair both agree to any such change, the other Board members shall immediately be apprised of the desired change and the reason for the change. If a majority of the Board agrees to the change, the meeting shall be cancelled or rescheduled, and the public and the media shall be notified promptly of the change.
- B. If the number of attendees at a meeting of the Board is such that proceedings cannot be accommodated in the meeting space which was originally noticed, the Board may adjourn the meeting and move the meeting to a more appropriate space. In such circumstances, notice of the changed meeting space shall be posted prominently at the entry of the original meeting space and the adjourned meeting shall not be reconvened until at least 30 minutes after the time of adjournment.

- C. The Board may recess a regular meeting for the purpose of taking a temporary break in proceedings. When a recessed meeting is resumed, there are no opening proceedings and the Board shall resume business as if there had been no break.
- D. If the Chair or Vice Chair if the Chair is unable to act finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting, such meeting shall be continued to the immediately following Monday at the same time and place as the regular meeting, or to the next regularly scheduled meeting. Such declaration shall be communicated to all Board members, the public, and the media as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Section 1-5. Participation in Meetings Through Electronic Communications

- A. Any Board member who is unable to attend a regular or special meeting in person due to (i) an emergency or a personal matter, or (ii) a temporary or permanent disability or other medical condition, may participate in the meeting through electronic communication from a remote location that may not be open to the public, subject to the following:
 - A quorum of the Board is physically assembled at the central meeting location.
 - 2. The member notifies the chairperson on or before the day of the meeting that he or she is unable to attend (i) due to an emergency or personal matter identified with specificity, or (ii) due to a temporary or permanent disability or other medical condition that prevents the member's physical appearance. A member shall participate in a remote meeting due to an emergency or personal matter at no more than two meetings in each calendar year.
 - 3. The Board records in its minutes the (i) specific nature of the emergency or personal matter or the fact of the disability or medical condition, and (ii) the remote location from which the member is participating.
 - 4. The Board arranges for the voice of the absent member to be heard by all persons in attendance at the central meeting location.
- B. The Board by motion shall vote to approve or disapprove the member's electronic participation. If the absent member's remote participation is disapproved because such participation would violate this Section 1-5, such disapproval shall be recorded in the Board's minutes.

SECTION TWO - ROLE OF OFFICERS AND APPOINTED STAFF

Section 2-1. Chair and Vice Chair

A. The Chair presides at all Board meetings at which he is present, serves in all capacities to which he is named by the Board, and otherwise discharges the customary responsibilities of the office such as advising the Clerk on the preparation of the docket and the scheduling of public hearings.

The Chair shall preserve order and decorum at all meetings and public hearings, and shall decide questions of order – including whether a given motion is in order or germane to the subject

under discussion – without debate, except that he may permit a member to explain his point or allow other members to be heard by way of explanation. If the Chair is in doubt as to how to rule on an important point, he can put it to a vote of the Board. Rulings of the Chair may be appealed by any two members.

When a member wishes to speak, he shall ask recognition by saying, "Mr. Chair" or "Madam Chair". When two or more members seek recognition at the same time, the Chair shall decide who addressed him first, and the order of recognition for the other member or members shall be duly observed.

- B. The Vice-Chair shall preside at all meetings at which the Chair is absent and may discharge any other duties of the Chair during the Chair's absence.
- C. Whenever both the Chair and Vice-Chair are absent from a board meeting, the members present shall elect one of their number to serve as a temporary Chair.
- D. Not later than July 1 of each year, the Chair shall consult with the other Supervisors and coordinate preparation of evaluations of the professional performance of the County Administrator and the County Attorney and future goals. Not later than August 1 of each year, the Chair shall meet with the County Administrator and County Attorney to discuss the evaluations.

Section 2-2. Clerk

The County Administrator shall serve as the Board Clerk. The Clerk shall prepare Board meeting agendas, and shall ensure that all necessary papers are associated with the agenda. The Clerk shall attest resolutions and ordinances signed by the Chair and shall prepare and circulate minutes of Board meetings.

Section 2-3. County Attorney

The County Attorney shall serve as the parliamentarian for the purpose of interpreting these Rules of Procedure, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Board members. The County Attorney also shall provide any necessary interpretations of the Code of Virginia (1950), as amended, or of any federal or local laws or regulations.

SECTION THREE - AGENDA AND ORDER OF BUSINESS

Section 3-1. Preparation and Delivery of Agenda

The County Administrator shall prepare the agenda of each regular and special meeting of the Board of Supervisors and shall ensure that all relevant documents are associated with the agenda. The complete agenda package shall be delivered to Board members four days preceding the Board meeting date. The County Administrator shall make the agenda package available to the public and the press contemporaneously with its delivery to the Board. This may be accomplished by posting the agenda package on the County website and by making copies of the agenda package available in the office of the County Administrator.

Section 3-2. Amending the Agenda

As a general matter, the agenda shall not be amended after it has been released to the public. The Board may by majority vote agree to amend the agenda by adding, removing, or reorganizing items.

Section 3-3. Regular Order of Business

The regular order of business before the Board usually is as follows:

- 1. Call to Order, Invocation, and Pledge of Allegiance
- 2. Approval of Agenda
- 3. Citizen Comment
- 4. Public Hearings
- 5. Consent Agenda
- 6. Special Presentations
- 7. Old Business
- 8. New Business
- 9. County Administrator's Reports
- 10. County Attorney's Reports
- 11. Departmental Reports
- 12. Citizen Comment
- 13. Matters from Members of the Board of Supervisors
- 14. Closed Session (as necessary)
- 15. Adjournment

Section 3-4. Citizen Comment

- A. Citizens wishing to speak during Citizen Comment shall place their name on a sheet provided by the Board prior to the start of the Board's meeting.
- B. Comments shall be addressed directly to the Chair, and shall be limited in time to three minutes. Strict enforcement of this time limit is in the sound discretion of the chair. Comments may address the performance, conduct, and qualifications of public figures; however, comments shall not employ language which insults or demeans any person or which, when directed at a public official or employee, is not related to his or her official duties. There shall be no comment during Citizen Comment on a matter for which a public hearing is scheduled during the same meeting, or on a matter that has already been the subject of a previous public hearing where no final yote has been taken.
- C. Any issue raised during Citizen Comment which the Board wishes to consider may be put on the agenda for a future Board meeting or work session by a majority vote. Board members may with the consent of the Chair pose questions to any citizen commenting before the Board; however, Board members shall not discuss issues raised in the course of Citizen Comment except by agreement expressed in a majority vote.
- D. Questions posed to the Board during Citizen Comment may be addressed by staff by consensus of the Board. Any questions that are not conclusively addressed by staff during Citizen Comment shall be treated as requests under the Virginia Freedom of Information Act.
- E. Members of the public wishing to offer comment to the Board but are unable to attend the meeting may send correspondence to the County Administrator to be read aloud during the public comment portion of the meeting. If a time limit has been placed on other speakers, it will also be applied to the reading of the correspondence.

Section 3-5. Public Hearings

A. Any person wishing to speak at a public hearing shall adhere to the following guidelines:

- Speakers shall state their name and address publicly for the record unless they are uncomfortable doing so; in that case, they may supply the information to the Clerk in writing before they speak.
- Speakers shall limit their comments in the interests of time as directed by the Board Chair.
- Speakers shall refrain from making any personal references or accusations.
- Speakers shall hand any written materials they wish the Board to consider to the Clerk for distribution to the Board.
- B. Board members will not respond to public comments; however, any issue raised by the public which the Board wishes to consider may be put on the agenda for a future Board meeting or work session by a majority vote. When the Chair closes the public hearing, no further public comment shall be permitted; however, Board members may direct questions to staff or to speakers.
- C. All persons appearing at the public hearing shall refrain from behavior that disrupts the meeting.
- D. Any public hearing attendee who violates these guidelines will be ruled out of order by the Board Chair and will be asked to leave the podium or the hearing room. A person who refuses to comply with the direction of the Chair may be expelled from the hearing room. Any person so expelled shall not be readmitted for the remainder of the hearing.

Section 3-6. Consent Agenda

- A. The consent agenda shall consist of noncontroversial items that do not require extensive Board discussion, and may include but are not limited to, the following:
 - 1. Approval of minutes.
 - 2. Routine resolutions.
 - Correspondence.
 - 4. Announcements.
 - 5. Appointments to boards or committees.
- B. The consent agenda shall be introduced by a motion "to approve", and may be considered by the Board as a single item.
- C. There may be a short discussion of consent agenda items to answer questions or clarify a matter.
- D. Upon the request of any Board member, an item shall be removed from the Consent Agenda and shall be considered separately immediately after adoption of the Consent Agenda.

Section 3-7. Special Presentations

Special presentations should be limited in time to 10 minutes although the Board may by majority vote grant additional time for good cause shown. Any materials to be discussed in the course of the special presentation shall be supplied to the County Administrator in time to ensure their inclusion in the agenda package.

Section 3-8. Closed Session

The Board is fully committed to maintaining an open and transparent government. The Board also recognizes that the public interest may be served by confidentiality, including when necessary to protect the County's financial bargaining position while discussing the acquisition or disposition of public property, to protect the County's strategic position in litigation or other legal matters, or to promote frank communications connected to the selection or evaluation of Board appointees. To balance the greatest openness in government with the corollary need to protect the public interest, the Board will adhere to the following procedures.

- A. The Board shall go into closed session only when permissible pursuant to the Virginia Freedom of Information Act ("VFOIA"), Virginia Code §§ 2.2-3700 et seq. Any closed session shall be identified on the final published Board agenda. The Board may amend the agenda to add a closed session subject to approval by a vote of a majority of the Board members. Any motion adding a closed session to the Board agenda shall be approved as to form by the County Attorney.
- B. The Board shall not go into closed session until it has by majority vote in open session agreed to do so. The motion shall state specifically the purpose or purposes which are the subject of the closed session and shall reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption under the VFOIA, which authorizes the closed session.
- C. No resolution, ordinance, rule, contract, regulation, or motion considered in a closed session shall become effective until the Board reconvenes in open session and votes on the resolution, ordinance, rule, contract, regulation, or motion.
- D. At the conclusion of a closed session, the Board shall reconvene in open session immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the VFOIA and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place. In the event a Board member comes to believe after certification that non-exempt issues were discussed during the closed session, or that some other violation of the FOIA occurred, he or she shall communicate such belief to other members of the Board, the County Attorney, and the County Administrator.

In either circumstance, the County Attorney shall supply an opinion as to whether a violation occurred. If the County Attorney opines that a violation has not occurred, the Board Chairman shall announce that publicly. If the County Attorney opines that a violation has occurred, the Board Chairman shall announce that publicly, shall state the specifics of the violation, and shall describe the steps that will be taken in the future to avoid similar or related violations.

- E. The failure of the certification to receive the affirmative vote of the majority of the members present during the closed session shall not affect the validity or confidentiality of those matters properly discussed in that closed session in accordance with the VFOIA.
- F. The Board may permit non-members to attend a closed session if their presence would reasonably aid the Board in its consideration of an issue. All individuals attending a closed session should respect the Board's decision that the subject matter is too sensitive for public discussion and should treat the closed session discussion as confidential.

G. As public disclosure of information generated in closed session may hamper effective communication, all closed session participants shall maintain as confidential all information generated in closed session until such time as the Board by majority vote declares that confidentiality is no longer necessary or appropriate. The intentional disclosure by a Board member of the content of closed session discussions prior to such majority vote may subject him or her to fines or punishment pursuant to Virginia Code § 15.2-1400, in such amount or in such form as the Board may deem appropriate.

Section 3-9. Town Hall Meetings

- A. The Board may, by majority vote designating a meeting as such, hold town hall meetings. The object of a town hall meeting is to encourage exchange of information and views between the Board, County staff, citizens, and stakeholders in a flexible setting under the control of the Chair.
- B. In town hall meetings, the Board shall follow relaxed rules of procedure. Generally, town hall meetings shall be conducted in a similar manner to a public hearing. However, in a town hall, the speaker, once recognized by the Chair, may engage in conversational back-and-forth with Board members and staff. Generally, such conversation should not extend beyond five minutes, in the sound discretion of the Chair.
- C. The Board may also hold a stakeholders town hall. In such a meeting, the Board invites members of the community with particular interest in a topic to engage in a roundtable discussion to exchange information and ideas with the Board, staff, and other stakeholders. The Board may, but need not, recognize uninvited persons to speak or participate in the discussion. Such discussion shall be moderated under the control of the Chair.

SECTION FOUR - BOARD ACTIONS

Section 4-1. Quorum

- A. Virginia Code § 15.2-1415 requires that a quorum of the Board be present to conduct business. A quorum is a majority of the entire membership of the Board, which membership shall include any vacant seats. If a quorum is not present, the Board can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.
- B. If the Board lacks a quorum and chooses to adjourn, it may adjourn to such other time prior to the next regular meeting as it may determine. The Clerk shall note such adjournment in the Board minutes, and shall notify absent members of the new meeting date and time in the same manner as required for special meetings.
- C. If the Virginia Conflict of Interests Act prevents some of the members of the Board from participating in an item of business, a majority of the remaining Board members shall constitute a quorum.

Section 4-2. Regular Practices

- A. In general, the Board shall not act on any matter solely or predominantly affecting a district in the absence of the Board member for that district, except that the Board may act where the absence results from the resignation, death, or disability of the Board member.
- B. The Board may choose by majority vote to delay consideration of any matter where materials associated with the matter are delivered to the Board on the day the Board meets.
- C. No Board member shall issue a communication purporting to represent to another person or to the public the Board's position on an issue, or making a request on the Board's behalf, until the Board has voted to approve the issue or request.
- D. Where the Board is considering approval or endorsement of a study or report, the resolution providing for endorsement or approval shall be presented for consideration at a meeting subsequent to presentation of the study or report.

Section 4-3. Taking Formal Action

- A. The Board may act by consensus, motion, resolution, or ordinance, as follows:
- 1. The Board may act by consensus, without voting, where the desired action is clear and no Board member expresses opposition to the action.
- 2. The Board may act by motion where the desired action may require some direction to staff or one or more Board members oppose the action.
- 3. The Board may act by resolution where the basis for the Board's decision requires explanation, the directions to staff are more complex, or one or more Board members oppose the action.
- 4. The Board shall act by ordinance to amend County Code or as otherwise required by law.
- B. A tie vote means that a motion, ordinance, or resolution has been rejected, and the "nav" votes prevail.

C. The Board may take a voice vote on any matter. If the results of that vote are unclear, any member may request a roll call vote.

Section 4-4. Motions

- A. General.
- 1. Motions are either substantive or procedural.
- 2. Any member of the Board, including the presiding officer, may make a motion. It is not necessary that a motion be seconded in order to be considered.
- 3. The Board may discuss a matter prior to a member's making a motion. Once a motion is made, the Board shall discuss the merits of the motion before voting on it. To do this, the Chair shall restate the motion and request the Board's debate of it. In the course of debate, the maker of the motion is entitled to speak first and a member who has not spoken on the issue shall be recognized before someone who has already spoken. The Chair may participate in the debate prior to declaring the matter ready for a vote.

B. Substantive Motions.

Substantive motions go to the merits of Board action on a business matter before it, such as a motion to approve a resolution or adopt an ordinance, to appoint a person to a board or committee, or to approve an appropriation.

C. Procedural Motions.

Procedural motions act on a substantive motion by amending it or delaying its consideration. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted. Except as otherwise indicated, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption.

- 1. <u>Motion To Adjourn</u>. At a meeting of the Board, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended,
- 2. <u>To Take a Recess</u>. This motion allows the Board to pause briefly in its proceedings. A motion to take a recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending
- 3. <u>To Defer Consideration</u>. The Board may defer action on a substantive motion to a more convenient time. The Board may use the following motions to defer consideration of a substantive motion:
 - (a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the Board for discussion.
 - (b) The motion to "postpone" delays debate on an item of business so that it may be considered at a later date. An item of business may be "postponed definitely," when it is continued to a definite time or date or "postponed indefinitely" if no

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future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely, an affirmative vote of a majority of the Board is necessary to bring it back for further discussion.

- 4. <u>To Amend</u>. Any Board member may offer a motion to amend a substantive motion, and such amendment shall be effective upon a majority vote of the Board. The member making the original motion need not approve the proposed amendment. An amendment to a motion shall be pertinent to the subject matter of the motion and shall not be used to nullify the intent of the original motion. A motion may be amended no more than twice.
- 5. <u>Withdrawal of Motion</u>. A motion may be withdrawn by the Board member who offers it at any time before it is amended or before the Chair puts the motion to a vote, whichever occurs first.
- 6. <u>Motion to Reconsider</u>. The Board may vote to reconsider its action on a matter. The motion to reconsider must be made no later than the next succeeding regular meeting of the Board and can only be made by a member who voted with the prevailing side. In the event of a tie vote on the original motion any Board member may introduce a motion to reconsider. The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes.

Section 4-5. Resolutions

- A. The County Attorney shall approve as to form all resolutions, excepting commemorative resolutions that the County Attorney has not drafted, that are placed before the Board for adoption. The County Administrator shall approve as to form commemorative resolutions that are not drafted by the County Attorney.
- B. Board members may request that the County Attorney prepare a written resolution prior to discussion by the Board of the issues addressed in the resolution; however, any such resolution shall not be numbered and shall not, absent pressing circumstances acknowledged by a majority of the Board members, be adopted on the day first presented.

Section 4-6. Ordinances

- A. The County Attorney shall approve as to form and legality all ordinances prior to their being placed before the Board for consideration.
- B. After review by the Board, approved ordinances shall undergo a first read before the Amherst County Board of Supervisors at that body's first meeting of the month of introduction, and, if the Board of Supervisors so directs, shall be heard at a public hearing at the second meeting of the month of introduction. The Board of Supervisors may by majority vote consider an ordinance for adoption subsequent to a public hearing without its having first undergone a first reading.

Keep Amherst County VA Safe and Oppose Life-Threatening Sanctuary Resolution!

Join us in requesting that the Amherst County Board of Supervisors <u>not</u> issue a resolution or letter in support of Amherst County becoming a First Amendment Sanctuary County. We, the signers of this petition, believe that both Governor Ralph Northam and the state's Health Commissioner, Dr. M. Norman Oliver are acting legally and have the authority invested in them by the Virginia Constitution to issue and enforce executive orders to protect our communities during the COVID-19 health crisis.

During the December 15, 2020 Citizen Comment portion of the Amherst County Board of Supervisors meeting, a First Amendment Sanctuary County Resolution was presented and urged to be considered for adoption. This resolution claims that Governor Northam has overstepped his legal limits by issuing executive orders to **protect ALL** citizens of Virginia by mandating mask wearing, social distancing, certain business restrictions, and limiting crowd size. This resolution goes one step further and opposes government intervention during the COVID-19 pandemic by seeking to limit the power of both the governor and the health department.

We know that in order to ensure the safety of all Amherst County residents, we must follow the guidelines as outlined by the CDC, and potentially take additional measures to fight the spread of COVID-19. The First Amendment Sanctuary County Resolution will unnecessarily endanger the lives of Amherst County residents by stopping enforcement of Governor Northam's protective orders. Sign this petition to tell the Amherst County Board of Supervisors that you do NOT want this resolution passed.

Those who sign this petition:

- 1. Oppose to the adoption of a resolution that would make Amherst County a First Amendment Sanctuary County.
- 2. Believe that this is not a political issue, but a health issue.
- 3. Believe that no individual's right is more important than another's.
- 4. Believe that Governor Ralph Northam has the authority to issue executive orders to protect the health and safety of **ALL** our citizens.
- 5. Believe that Governor Northam, as the Director of Emergency Management, may "take actions relating to the safety and welfare of the Commonwealth" (Code of Virginia 44-6-17).
- 6. Believe that the State Health Commission has the authority to implement emergency measures to deal with dangers to the public health and life (Code of Virginia 32.1-13, 32.1-20, and 35.1-10).
- 7. Believe that wearing a face mask, washing your hands, and social distancing (all simple and doable measures proposed by both the CDC and the World Health Organization) can prevent the further spread of COVID-19.
- 8. Agree that the measures proposed by Governor Northam have not denied citizens their rights to freely exercise their religion, to peacefully assemble, or to freely engage in commerce, to move about freely, or any other individual liberty.
- 9. Believe that Governor Northam is acting to save all our lives, not take away anyone's individual rights.

	Name	City	State	Postal Code Country	Signed On
	Melodie Fletcher	Madison Heights	VA	US	12/30/2020
	Gloria Wittt	Madison Heights	VA	24572 US	12/31/2020
,	Mary Fletcher	Amherst	VA	24521 US	12/31/2020
	Jasper Fletcher	Amherst	VA	24521 US	12/31/2020
	Sam Soghor	Amherst	VA	24521 US	12/31/2020
	JaShaun Clark	Madison Heights	VA	24572 US	12/31/2020
	Colby Goodman	Amherst	VA	24521 US	12/31/2020
	Becky Lambert	Madison Heights	VA	24572 US	12/31/2020
	Belinda Gaines	Amherst	VA	24521 US	12/31/2020
	Loretta Wright	Lynchburg	VA	24502 US	12/31/2020
	Diane Hulme	Amherst	VA	24521 US	12/31/2020
	Charlene Wood	Elkridge	MD	21075 US	12/31/2020
	Beverly Jones	Madison Heights	VA	24572 US	12/31/2020
	Dana Robinson	Madison Heights	VA	24572 US	12/31/2020
	Jane White	Madison Heights	VA	24572 US	12/31/2020
	Steve Goodman	Wilmington	NC	28403 US	12/31/2020
	Barbara Goodman	Amherst	VA	24521 US	12/31/2020
	Dan French	Lynchburg	VA	24503 US	12/31/2020
	Armintha Lee	Madison Heights	VA	24572 US	12/31/2020
	LoisAnn Pfister	Madison Heights	VA	24572 US	12/31/2020
	Grace Powell	Lynchburg	VA	24503 US	12/31/2020
	SUSAN ROSSER	Amherst	VA	24521 US	12/31/2020
	Margaret McCanna	Amherst	VA	24521 US	12/31/2020
	Cynthia Cabell	Madison Heights	VA	24572 US	12/31/2020
	John Stofko	Allentown		18102 US US	12/31/2020 12/31/2020
	Kimmie Dreamchaser	Cunartina		95014 US	12/31/2020
	Arna Umap Hilary Godoy	Cupertino Los Angeles		90019 US	12/31/2020
	Kwobeer Obang	Fort Worth		76119 US	12/31/2020
	lucifer pham	Stanton		90680 US	12/31/2020
	Kaylee Lanning	Chicago Heights		60411 US	12/31/2020
	Barbara Pryor	Amherst	VA	24521-414 US	12/31/2020
	Anna Baker	Madison Heights	VA	24572 US	12/31/2020
	Dana Wilson	Appomattox	VA	24522 US	12/31/2020
	Jada Tinsley	Madison Heights	VA	24572 US	12/31/2020
	Brenda Choi	Los Angeles	CA	90009 US	12/31/2020
	Edgar Parr	Madison Heights	VA	24572 US	12/31/2020
	Sharon Jackson	Madison Heights	VA	24572 US	12/31/2020
	Rosemary Urban	Monroe	VA	24574 US	12/31/2020
	Elizabeth (Libby) Keesee	Madison Heights	VA	24572 US	12/31/2020
	Lisa Wixted	Tallahassee	FL	32308 US	12/31/2020
	Brooke Vandervelde	Amherst	VA	24521 US	12/31/2020
	Margaret Priscilla Stone	Amherst	VA	24521 US	12/31/2020
	Darris Sandidge	Madison Heights	VA	24572 US	12/31/2020
	John Petchul	Baltimore	MD	21216 US	12/31/2020
	Andrea Patillo	Madison Heights	VA	24572 US	12/31/2020

	Jermaine Burford	Madison Heights	VA	24572 US	12/31/2020
	Judy Strang	Monroe	VA	24574 US	12/31/2020
	Sue Ellen Petchul	Amherst	VA	24521 US	12/31/2020
,	Horace Rice	Madison Heights	VA	24572-579 US	12/31/2020
	Kathie Driscoll	Forest	VA	24551 US	12/31/2020
	Aaron Temple	Amherst	VA	24521 US	12/31/2020
	Keisha Turner	Washington	DC	20009 US	12/31/2020
	Woody McKenzie	Monroe	VA	24574 US	12/31/2020
	James Robertson	Amherst	VA	24521 US	12/31/2020
	Paula Youra	Forest	VA	24551 US	12/31/2020
	Elizabeth Paull	Amherst	VA	24521 US	12/31/2020
	LYNN GIVENS	Tallahassee	FL	32312 US	12/31/2020
	Annette Overstreet	Lynchburg	VA	24502 US	12/31/2020
	Ronnie Durie	Madison Heights	VA	24572 US	12/31/2020
	Ashley Helal	Strongsville	ОН	44149 US	12/31/2020
	Suzanne Chambers	Monroe	VA	24574 US	12/31/2020
	Wendy Brubaker	Moneta	VA	24121 US	12/31/2020
	Lco Cocke	Madison Heights	VA	24572 US	12/31/2020
	Lucy Barnett	Madison Heights	VA	24572 US	12/31/2020
	Janice Augustine	Amherst	VA	24521 US	12/31/2020
	Serenity Smile	Amherst	VA	24521 US	12/31/2020
	Rachel Rose	Madison Heights	VA	24572 US	12/31/2020
	Wayne Cocke	Madison Heights	VA	24572 US	12/31/2020
	Vanessa Angus	Gladstone (Amherst Coun	t VA	24553 US	12/31/2020
	Margaret Stanton	Sweet Briar	VA	24595 US	12/31/2020
	Anne Hagerty	Amherst	VA	24521 US	12/31/2020
	casady savage	Fort Myers		33967 US	12/31/2020
	santana torres	Murrieta		92563 US	12/31/2020
	Danielle Courtney	Los Angeles		90002 US	12/31/2020
	Kimberly Gutierrez	Watsonville		95076 US	12/31/2020
	Jaden King	Andover		6232 US	12/31/2020
	Cyan Brown	Atlanta		30316 US	12/31/2020
	Angel Lopez	Anaheim		92801 US	12/31/2020
	Veronica DeSantiago	Fontana		92336 US	12/31/2020
	Abbey Hunter-Richards	Sacramento		95821 US	12/31/2020
	Emily Valerio	Worcester		1604 US	12/31/2020
	llene Elphingstone	Bethlehem		18018 US	12/31/2020
	ANna Hult	Sacramento		95842 US	12/31/2020
	Walker stanley	Charlotte		28227 US	12/31/2020
	Zoie Pulliam	Charleston		25302 US	12/31/2020
	Gracie Kammerer	Fort Wayne		46804 US	12/31/2020
	Agim Demirovski			US	12/31/2020
	Brennan Omalley	Cleveland		44129 US	12/31/2020
	Jazmin Sa	Lowell		1852 US	12/31/2020
	Cynthia Woods	Brownwood		76801 US	12/31/2020
	DeMaya Davis	Wilson		27893 US	12/31/2020
	Ava Bucolo	Lockport		14094 US	12/31/2020

	Angela Reed	Madison Heights	VA	24572 US	12/31/2020
	Dorothy Sandidge	Madison Heights	VA	24572 US	12/31/2020
	Gary Colmore	Madison Heights	VA	24572 US	12/31/2020
	natalie jade	Greeley		80634 US	12/31/2020
	alexis henderson	Greeneville		37743 US	12/31/2020
	Harold Stokes	Newnan		30265 US	12/31/2020
	Melissa Heithaus	Mckinney		75070 US	12/31/2020
	ש††I€ BOIIII	Burlington		27217 US	12/31/2020
	Dawn Shuma	Altoona	PA	16601 US	12/31/2020
	Jessica Miranda	Miami		33172 US	12/31/2020
	Mike Johnson	Glen Cove		11542 US	12/31/2020
	Benjamin Tarkenton	Charlotte		28211 US	12/31/2020
	Heather Isaac	Vista		92084 US	12/31/2020
	Chloe Penera	Waynesville		65583 US	12/31/2020
	David Cedeno	Queens		11355 US	12/31/2020
		Frederick		21703 US	12/31/2020
	Aspen Koo			10314 US	12/31/2020
	Layla Cordero	Staten Island			12/31/2020
	Mary Luis	Los Angeles	1/4	95116 US	
	Dena Lee	Amherst	VA	24522 US	12/31/2020
	Jennifer Jicha	Reno		89508 US	12/31/2020
	Madyson Flournoy	Bronx		10458 US	12/31/2020
	Scarlett Valdes	Los Angeles		90042 US	12/31/2020
N.	E Brew			71373 US	12/31/2020
2	Isabelle Ash	North Las Vegas		89081 US	12/31/2020
	Indra Tinsley	Madison Heights	VA	24572 US	12/31/2020
	Sophia Santiago	Fair Oaks		95628 US	12/31/2020
	Izaac 35612193	Temple		76502 US	12/31/2020
	David Casillas	Houston		77026 US	12/31/2020
	Cody Tedrow	Callahan		32011 US	12/31/2020
	jalyssa dunmire	Battle Creek		49037 US	12/31/2020
	Raiden Sagolili	Las Vegas		89145 US	12/31/2020
	Tricia Bouchard	Harrisburg		28075 US	12/31/2020
	Antionette Jefferson	Memphis		38109 US	12/31/2020
	lgxkditoyf hfiyeitdj	Houston		77044 US	12/31/2020
	Matt Cereghino	Gig harbor		98359 US	12/31/2020
	Tykasha Jackson	Easton		21601 US	12/31/2020
	Caroline Sexton	Flower Mound		75028 US	12/31/2020
	Kat t	SCHAUMBURG		60173 US	12/31/2020
	Ryan Rice	Seattle		98188 US	12/31/2020
	Isabella Bedoni	San Jose		50578 US	12/31/2020
	Brian Cohen	New York		10010 US	12/31/2020
	Mariela Ramirez	Las Vegas		89115 US	12/31/2020
		Alexandria		22314 US	12/31/2020
	babaxhq Jajdjwx Earl Calvert	Lorain		44053 US	12/31/2020
		Post Falls		83877 US	12/31/2020
1	Sylvia Bostwick			97404 US	12/31/2020
	sylvia boyd	Eugene		48235 US	12/31/2020
	Mariah Rathburn	Ohio		40Z33 U3	14/31/4040

	Jeannette Pillsbury	Amherst	VA	24521 US	12/31/2020
	John Ingram	Monroe	VA	24574 US	12/31/2020
5. E	Bryson Childress	Madison Heights	VA	24572 US	12/31/2020
į	Bertha Beverly	Madison Heights	VA	24572 US	12/31/2020
	Sammy Perez	Milton		19968 US	12/31/2020
	Ron Milosevich	Santa Ana		92704 US	12/31/2020
	Kelshey Stailey			US	12/31/2020
	diana avanessova	Renton		98058 US	12/31/2020
	Katelyn Lopez	Winter Garden		34787 US	12/31/2020
	Nilsa Vidal	Mahopac		10541 US	12/31/2020
	lexie burns	Frisco		75035 US	12/31/2020
	Kathy Dixon	Urbana		61801 US	12/31/2020
	Mayra Flores	Chicago		60085 US	12/31/2020
	Jeannine DeAngelis	Chandler		85248 US	12/31/2020
	Keith Kendrick	Amherst	VA	24521 US	12/31/2020
	Catherine Crawley	Madison Heights	VA	24572 US	12/31/2020
	Mary Greenwood	Roanoke	VA	24018 US	12/31/2020
	Gail Speidell	Amherst	VA	24521 US	12/31/2020
	Megan Lopez	Woodland Hills		91367 US	12/31/2020
	Samuel Mischio	Madison		53220 US	12/31/2020
	Bianey Cuevas	Anaheim		92825 US	12/31/2020
	Mir Moreno	Duluth		30096 US	12/31/2020
	Jasmine Pinkston	Sidney		59270 US	12/31/2020
Ĵ	Linwood Harris	Lynchburg	VA	24504 US	12/31/2020
	Stephanie Sanchez	Denver		80226 US	12/31/2020
	Bones Redacted	Clearwater		33763 US	12/31/2020
	Jeicy Paucar	Fall River		2720 US	12/31/2020
	Amanda Morton	Winooski		5404 US	12/31/2020
	Violet Lu	Columbus		43224 US	12/31/2020
	Bella Rowland	Knoxville		37909 US	12/31/2020
	Robby Nutter	Lebanon		37090 US	12/31/2020
	phyllis Bennett	Monroe	VA	24574 US	12/31/2020
	Winston Ware	Meriden	CT	6450 US	1/1/2021
	Sandy Jennings-Neblett	Amherst	VA	24521 US	1/1/2021
	Nicole Hooghkirk	Amherst	VA	24574 US	1/1/2021
	Philip Greenwood	Monroe	VA	24574 US	1/1/2021
	LaDonna Shedor	Monroe	VA	24574 US	1/1/2021
	Tanya Follett	Monroe	VA	24574 US	1/1/2021
	Billy Reinschmidt	Ledyard		6339 US	1/1/2021
	sol razo	Whittier		90606 US	1/1/2021
	McKenna Carroll	Omaha		68135 US	1/1/2021
	Natalie Witham	Cabot		72023 US	1/1/2021
	Tom Christian	Monroe	VA	24574 US	1/1/2021
	Alayah Valonis	Portland		97236 US	1/1/2021
	Rodrine Washington	Conyers		30012 US	1/1/2021
. /	Luis Rodriguez	new york city		10035 US	1/1/2021
	CASSANDRA Shepard	Nashville		37211 US	1/1/2021

Jay Sotelo	Boiling Springs		29316 US	1/1/2021
Kylayonia Hendrix	Lincoln park		48146 US	1/1/2021
fuck theveganteacher	Providence		2908 US	1/1/2021
Damian Moody	Mecca		92254 US	1/1/2021
Janna Trueblood	Rockwall		75087 US	1/1/2021
Ariana Perez	Succasunna		7876 US	1/1/2021
Hasoo Young			US	1/1/2021
Rocio Carrillo	Bell Buckle		37020 US	1/1/2021
Gloria Braxton	Madison Heights	VA	24551 US	1/1/2021
James Tinsley	Forest	VA	24551 US	1/1/2021
Don Glasser	Madison Heights	VA	24572 US	1/1/2021
Jan Komarnitzki	Monroe	VA	24574 US	1/1/2021
Marilyn Gilbert	Amherst	VA	24521 US	1/1/2021
Sandra Goldman	Amherst	VA	24521 US	1/1/2021
Gary Hooghkirk	Monroe	VA	24574 US	1/1/2021
Deborah Thomas	Richmond	VA	23222 US	1/1/2021
Dottie Rucker	Madison Heights	VA	24572 US	1/1/2021
Pam McFaden	Amherst	VA	24521 US	1/1/2021
Mary England	Amherst	VA	24521 US	1/1/2021
Valerie Bowling	Madison Heights	VA	24572 US	1/1/2021
Katharine Chase	Amherst	VA	24521 US	1/1/2021
Nancy Lewis	Madison Heights	VA	24572 US	1/1/2021
brigid corbett	Afton		22920 US	1/1/2021
Sara No	Cortlandt Manor		10567 US	1/1/2021
Karl Mercer	Cincinnati		45242 US	1/1/2021
Alishia Sessions	South Paris		4281 US	1/1/2021
Jasmine O	Elizabeth		7208 US	1/1/2021
Gracie von Thun	Greentop		63546 US	1/1/2021
sierra mok	Severna Park		21146 US	1/1/2021
Sabrina Anzziani	Bradenton		34202 US	1/1/2021
mira thiab	New York		10118 US	1/1/2021
Sofia Hernandez	Pensacola		32526 US	1/1/2021
Jeff Bibb	Monroe	VA	24574 US	1/1/2021
Lambert Ngoka	North Augusta		29841 US	1/1/2021
Kendra Davis	Albany		12205 US	1/1/2021
Noelia de la Rosa	, ,		US	1/1/2021
Joyce Booker	Madison Heights	VA	24572 US	1/1/2021
Lisa Pitcher	Madison Heights	VA	24572 US	1/1/2021
Greg England	Appomattox	VA	24522 US	1/1/2021
Jacqueline Biibby	Madison Heights	VA	24572 US	1/1/2021
Nancy Kershner	Madison Heights	VA	24572 US	1/1/2021
William Kershner	Amherst	VA	24521 US	1/1/2021
Wendy Kendrick	Forest	VA	24551 US	1/1/2021
Brian Patillo	Madison Heights	VA	24572 US	1/1/2021
Phyllis Calvert	Madison Heights	VA	24572 US	1/1/2021
Cynthia DuBois	Monroe	VA	24574 US	1/1/2021
Ella Magruder	Amherst	VA	24521 US	1/1/2021
			-	. ,

Mark Magruder	Amherst	VA	24521 US	1/1/2021
Betty Skeen	Sweet Briar	VA	24595 US	1/2/2021
Ruby Parrish	Madison Heights	VA	24572 US	1/2/2021
James Kirkwood	Madison Heights	VA	24572 US	1/2/2021
Ava Sharpe	Sanford		27330 US	1/2/2021
Carson Kimbrell	Vestavia Hills		35216 US	1/2/2021
Genell Welch	Chatsworth		30705 US	1/2/2021
Elizabeth Howard	Hartford City		47348 US	1/2/2021
Sarah Neumann	Smithfield		27577 US	1/2/2021
Beth Weissman	Ossining		10562 US	1/2/2021
Akithma Moraes	Staten Island		10314 US	1/2/2021
Walter Yogi	Santa Ana		92707 US	1/2/2021
Ann Yuhas	La Habra		90631 US	1/2/2021
Julia Lewis	Huntingdon Valley		19006 US	1/2/2021
José Diakabana	Cranston		2920 US	1/2/2021
Christina Campos	San Antonio		78245 US	1/2/2021
Sandra Jones	Roanoke	VA	24014 US	1/2/2021
Andrea Orvos	Amherst	VA	24521 US	1/2/2021
Kay Brimijoin	Lynchburg	VA	24503 US	1/2/2021
Anita Moore	Monroe	VA	24574 US	1/2/2021
Louis Goldman	Amherst	VA	24521 US	1/2/2021
Christopher Watts	Madison Heights	VA	24572 US	1/2/2021
Tamekio Watts	Madison Heights	VA	24572 US	1/2/2021
# IRVING REED JR	Madison Heights	VA	24572 US	1/2/2021
Sabrina Reed	Forest	VA	24551 US	1/2/2021
estrella v	Los Angeles		90013 US	1/2/2021
Nyima Trevino	Vacaville		95687 US	1/2/2021
Kaitlyn Brown	Philadelphia		19130 US	1/2/2021
Destiny Welch	Vacaville		95687 US	1/2/2021
Calise Szucs	Las Vegas		89103 US	1/2/2021
Jayleen Jada	Wingate		28174 US 41056 US	1/2/2021
Heather Highfield	Maysville			1/2/2021 1/2/2021
Lane Whitford rashid zaidi	Argyle		12809 US 92692 US	1/2/2021
	mission viejo		60659 US	1/2/2021
Sanya Hemani Elvia Avalos	Chicago Fort Smith		72901 US	1/2/2021
	Mcpherson		67460 US	1/2/2021
Zoiey Garcia Liris Robles	Alameda		94501 US	1/2/2021
isabella file	Macomb		48044 US	1/2/2021
Cutler Glenn	Abingdon		24211 US	1/2/2021
Martha camden	Lynchburg	VA	24502 US	1/3/2021
Michele Poindexter	Madison Heights	VA	24572 US	1/3/2021
Faithy Burford	Madison Heights	VA VA	24572 US	1/3/2021
Sherrill Davis	Madison Heights	VA VA	24572 US	1/3/2021
Betty Lambdin	Amherst	VA VA	24572 US	1/3/2021
Kim Brinkley	Madison Heights	VA VA	24572 US	1/3/2021
Marlena Hankton	Madison Heights	VA VA	24572 US	1/3/2021
iyiasicila naliktoli	Manison Heights	٧A	47374 US	1/3/2021

	Valeria Elliott	Lynchburg	VA	24503 US	1/3/2021
	John Lange	Forest	VA	24551 US	1/3/2021
Ì	Wylace Liggon	Roanoke	VA	24014 US	1/3/2021
ł	Elsie Nava	Rosemead		91770 US	1/3/2021
	Annika Elder	Newaygo		49337 US	1/3/2021
	Liv N			60634 US	1/3/2021
	Roselyn Monserrate	New York		10019 US	1/3/2021
	Justin Lucero	Fort Collins		80526 US	1/3/2021
	Aaliyah Bruno	Lake Placid		33852 US	1/3/2021
	Alyssa Colon	New Jersey		7003 US	1/3/2021
	Helen Antunano	Hayward		94544 US	1/3/2021
	Mikayla Rogers	Gulfport		39503 US	1/3/2021
	Mackenzie Gaspard	New Braunfels		78130 US	1/3/2021
	zerabel zamora	North Fort Myers		33917 US	1/3/2021
	yamilet garcia	Siloam Springs		72761 US	1/3/2021
	Angel Cohuoh	REDLANDS		92374 US	1/3/2021
	Ellie C.	Brooklyn		US	1/3/2021
	Rayven Johnson	Greer		29651 US	1/3/2021
	Krisha Raj	Irving		75060 US	1/3/2021
	Emily Sonnheim	Waukesha		53189 US	1/3/2021
	Emily Ruby	Visalia		93277 US	1/3/2021
	Bonnie hillman	Barker		14012 US	1/3/2021
}	Shawn Ware	Baltimore		21230 US	1/3/2021
į	Marigrace Singer	Hamden		6514 US	1/3/2021
	Yodit G	Penfield		14526 US	1/3/2021
	illya s	Mission Viejo		92692 US	1/3/2021
	Alexandra Pewitt	Jersey City		7302 US	1/3/2021
	Angel Lopez	Santa Ana		92706 US	1/3/2021
	Charlotte Haslam	Layton		59718 US	1/3/2021
	Emori Zapata	Corpus Christi		78410 US	1/3/2021
	Cheryl D. Scott	Madison Heights	VA	24572 US	1/3/2021
	Samantha Black	Cedar Lake		46303 US	1/3/2021
	Zitlail Solano	San Marcos		92069 US	1/3/2021
	Genesis Lopez	Pompano Beach		33069 US	1/3/2021
	Abigail Dleuca Deluca	Levittown		11756 US	1/3/2021
	Ryleigh Murray	Shawnee		74804 US	1/3/2021
	Jesse Hamric	Steamboat springs		80477 US	1/3/2021
	Emma Bean	Noblesville		46062 US	1/3/2021
	Jimena Morote			US	1/3/2021
	Daisy Rodriguez	San Francisco		94134 US	1/3/2021
	Annika Galvez	Las Vegas		89122 US	1/3/2021
	betsy molina	morristown		7960 US	1/3/2021
	Natalie Lopez	Dallas		75211 US	1/3/2021
	Titi C	Louisville		40243 US	1/3/2021
	Lilly Schultz	Mondovi		54755 US	1/3/2021
,	· 	Staten Island		US	1/3/2021
	rachael vargas	Summit		7901 US	1/3/2021

Natna Negasie	Clarkston		30021 US	1/3/2021
maggie deluca	Warren		48089 US	1/3/2021
Samantha Nava	Garden Grove		92840 US	1/3/2021
Rayan Tehfa	Kissimmee		34746 US	1/3/2021
Tia Stefanik	New York		10118 US	1/3/2021
evelyn navarro	Merced		95348 US	1/3/2021
mia davis	Long Beach		90814 US	1/3/2021
Kaitlyn Kirby	Dayton		45424 US	1/3/2021
Cheryl Thomas	Hyattsville	MD	20784 US	1/3/2021
Mak Jones	Port Saint Joe		32456 US	1/3/2021
Scott Stewart	Gleason		38229 US	1/3/2021
patricia morfin	Tulare		93274 US	1/3/2021
Anais Cervantes			US	1/3/2021
Waj Ooq	Baltimore		21229 US	1/3/2021
Carey Rowan	San Bernardino		92407 US	1/3/2021
Kathy Powell	Roswell		30075 US	1/3/2021
Eunice Kain	Madison Heights	VA	24572 US	1/3/2021
Aprill Taylor	Madison Heights	VA	24572 US	1/3/2021
Nat Poindexter	Madison Heights	VA	24572 US	1/3/2021
Denissa Megginson	Madison Heights	VA	24572 US	1/3/2021
Cynthia Hicks	Lynchburg	VA	24502 US	1/3/2021
Deborah Walker	Amherst	VA	24521 US	1/3/2021
Clarence Hudson	Madison heights	VA	24572 US	1/3/2021
Viola Franklin	Lynchburg	VA	24502 US	1/3/2021
James Collins	Hyattsville	MD	20781 US	1/3/2021
James Richardson	Madison Heights	VA	24572 US	1/3/2021
Alix Ingber	Amherst	VA	24521 US	1/4/2021
Morgan Fletcher	Madison Heights	VA	24572 US	1/4/2021
Malcom Fletcher	Madison Heights	VA	24572 US	1/4/2021
Laura Henry-Stone	Monroe	VA	24574 US	1/4/2021
Bradley Stone	Monroe	VA	24574 US	1/4/2021
Brielle Ferguson	Amherst	VA	US	1/4/2021
Wendy Robertson	Amherst	VA	24521 US	1/4/2021
Nancy Foster			US	1/4/2021
Wendy Ford-Brown	Esmont	VA	22937 US	1/4/2021
Brenda Dunning	Washington	DC	20011 US	1/4/2021
Cynthia Taylor	Monroe	VA	24574 US	1/4/2021
Teresa Quinn	Bedford	VA	24523 US	1/4/2021
Danielle Delude	Sweet Briar	VA	24595 US	1/4/2021
Laurey Denton	Madison Heights	VA	24572 US	1/4/2021
Rebecca Rinker	Madison Heights	VA	24572 US	1/4/2021
Herbert Smith	Amherst	VA	24521 US	1/4/2021

Amherst County Board of Supervisors:

I am in strong agreement with Governor Ralph Northam's covid-19 restrictions. Why is a small artisan group called the Virginia Constitutional Conservatives (VCC) be allowed to present solutions before local county boards to sow dissension and distrust of the efforts of Governor Northam to help stop the spread of COVID-19? The VCC is a political PAC. Disinformation and misinformation that they circulate to promote their agenda should not be Amherst County's agenda. Why should we allow them to dictate what our Board of Supervisors do to support their agenda?

Look back to the year 1905, as smallpox ravaged the state of Massachusetts. More than 115 years ago, the US Supreme Court ruled that individual rights and liberties **did not** replace a state's responsibility to protect its citizens and put an end to a disease during emergency situations.

Look back also to the year 1950, as polio spread throughout Virginia, especially in Wytheville, VA where individuals were asked to wash their hands before eating and after going to the toilet, keep away from crowds and places of public attendance. I was infected with polio, I am a polio survivor and I want to survive covid-19 too!!!!

I urge you to dismiss any resolution to dismantle the executive orders of Gov. Northam to stop the spread of covid-19. Only we can stop the spread by following the guidelines stated by Gov. Northam and the Virginia Department of Health. Because suppressing the spread of covid-19 saves lives. Amherst County lives!!! (1,424 cases, 41 hospitalizations, **10 deaths**)

Thanking you in advance for your support in this matter.

∠everly Jones 682 Amelon Road Madison Heights, Virginia 24572



Fw: January 5 BOS Mtg

Dean C Rodgers to: Regina M Rice

01/04/2021 10:40 AM

Regina,

I'll be reading this at tomorrow's meeting.

Dean C. Rodgers Amherst County Administrator (434) 946-9400

The mission of Amherst County's government is to nurture a vibrant and healthy community through transparent and fiscally responsible leadership and quality public services.

---- Forwarded by Dean C Rodgers/Amherst on 01/04/2021 10:38 AM -----

From:

B Jones

bjones69@verizon.net>

To:

"dcrodgers@CountyofAmherst.com" <dcrodgers@CountyofAmherst.com>

Date:

12/30/2020 12:56 PM

Subject:

January 5 BOS Mtg

Good Afternoon Mr. Rogers:

Please read my attached letter to the Board of Supervisors at their January 5, 2021 meeting.

Thanks,

Beverly Jones

682 Amelon Road

Madison Heights, VA 24572

929-7617 2021 letter to BOS.docx

ATTACHMENT 4

The Virginia Freedom of Information Act

Amherst County Board of Supervisors, January 5, 2021

What is a public record?

- Anything written or recorded in any way that relates to the "transaction of public business."
- The term "transaction of public business" is not defined in Virginia law. It is a common-sense standard. Emailing each other about church or football is not transaction of public business; emailing each other about local tax rates is.



What is a FOIA request?

- Any time anyone asks a government official for a public record, that's a FOIA request. They don't have to make it in writing, or use the word "FOIA."
- However... the County can require the person to give their name and address, and a County staffer may request that a person write down the request so that the staffer can make sure they have the request accurately (although a requester can't be required to write it down, when push comes to shove).

How to make a Freedom of Informa



Find the FOIA officer's emai



Describe what you want English



Hit send

Does the County Have to Respond?

- Yes, the County must respond even if it has no responsive documents or all known documents are exempt from disclosure.
- A response is due within five business days. Day 1 is the day after the County receives the request. If it is received after 5 pm, it counts as having been received the day after that.
- If the response is large or difficult to pull together, the County can take up to seven more business days by sending a letter to the requester saying so (usually called a "seven-day letter" in the jargon).
- If the response still can't be completed, the County will try to agree with the requester to have a further extension. If the requester won't agree, then the County can ask the courts for a further extension.

not do our jobs and respond to FOIA requests. We only have enough staff to do our jobs... What can we do?

- The County may charge the acture reasonable approximation) of furequest.
- If the person requests an estima must give it up-front.
- If the estimated cost is over \$20 may request a deposit prior to p
- The County can charge for time searching and copying. This inclumaterials and salaries of people work. You cannot charge overhed or legal fees.
 - If someone hasn't paid for a prerequest for at least 30 days, the refuse future FOIA requests until send the matter to collections.



The Role of the FOIA Officer

So a citizen asks for a public document... now what?

- The County employee who received the request sends it to the designated FOIA Officer.
- requester if necessary, and calendars the five-business-day response time. FOIA Officer makes sure he or she understands the request, contacts the
- FOIA Officer contacts relevant staff to pull documents together and estimate cost and time.
- If an extra seven days or a deposit is needed, FOIA Officer contacts requester and asks for the seven days or the deposit.
- Acts as liaison with County Attorney for complex issues of interpretation.
- Determines if any exclusions are applicable.
- Redacts any documents.
- Responds to the requester.

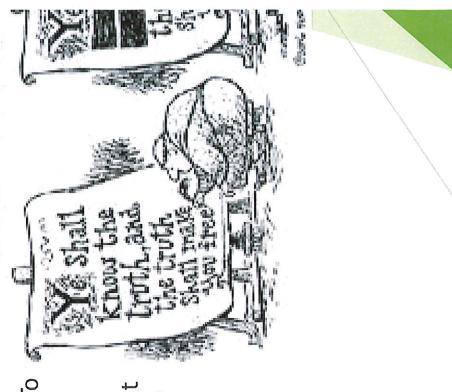
What About Really Sensitive Documents?



INROMATION

RIEDOM OF

If part of a document is subject to an exclusion but some not, the County should redact it and provide the portion that is subject to disclosure.



On the County Website

- Identities of FOIA Officers
- Statement of rights of FOIA requesters
- Dates, places, and times of public meetings

Common Record Exclusions Used by Counties

- Personnel records, except to the person himself.
- Work product or memoranda of legal counsel.
- Proprietary information or trade secrets provided by an economic development prospect under an NDA.
- Confidential information related to a PPEA or to a public contract (prior to award).
- Executive working papers.
- Memoranda prepared only for use in closed session.

Some Common Issues for Treasurers and Commissioners of the Revenue

- Provisions of Title 58.1 of State Code prevail over FOIA when there is a conflict.
- performance of their duties with respect to the transactions, property including It is a crime for a CoR or Treasurer to divulge any information acquired in the personal property, income or business of any person, firm, or corporation.
- real property assessment cards; appraisal working papers, but only to the owner of the County or the Commonwealth for budgeting purposes; sale price, dimensions, Exceptions: Public assessment rolls (like the land book); information shared with the real property; delinquent tax lists; and compilations of data that do not tie date of construction, or other information customarily put on building permits; data to specific individuals.
- What to do? A Commissioner or Treasurer can always seek a protective order, either for a FOIA request or a subpoena duces tecum.
- Bottom Line: FOIA penalties are much less than the criminal penalties provided in Title 58.1 of the State Code.

Public Meetings

- Any time three or more members of a public body (or a quorum, if less) discuss public business simultaneously, it's a meeting.
- Notice for any meeting used to be just in county administrator's office. Now, must Must give appropriate notice. Just to hold a meeting requires three days' notice.
- On the County website;
- In a "prominent location"—usually front of courthouse.
- In the County Administrator's office.
- Notice of emergency, special, and continued meetings must be given to the press simultaneously with the members of the public body. This might mean that as a practical matter, "continued" meetings no longer make sense.
- Agendas and agenda packages must be made available to the public simultaneously with providing them to the Board.
- Must take minutes, or in some cases may make an audio tape instead.
- Must be in an ADA-accessible space. The public and media need to be allowed in, and may tape or photograph the events.

Special Notice for Special Meetings

- Some types of actions require much more than three days' notice, and require a public hearing:
- Sell real estate, one week advertisement in newspaper.
- Take land use action (rezoning, comp plan amendment, special exception permit), two weeks in newspaper and sometimes also mailing to neighbors.
- Adopt tax rate and budget—one week advertisement in newspaper, hold public hearing, wait seven days to adopt.
- Special periods for many other things.
- What if it isn't done right? The action never legally happened. Go back to square one.

Who can speak?

- A public meeting is a "limited public forum." That means that the public gets to speak, but only at designated times and places and subject to rules.
- Citizens' comment and public hearings are controlled by rules and are largely hominem attacks, but otherwise, people are allowed to say what they want. in the discretion of the Chair. A body may set time limits and the Chair may require peoples' comments to be germane and not to resort to personal ad

Closed Sessions

- Closed sessions should be the exception, not the rule. You have to identify specifically what you're going in for.
- The motion must identify (1) the reason for the closed session, (2) move to go into closed session to discuss acquisition or disposition adversely affect the bargaining position or negotiating strategy of the subject matter, and (3) the statutory exemption. Example: "I of real estate in Monroe, where discussion in open session would the County, pursuant to Va. Code section 2.2-3711 subsection (A)(3)."
- Some common reasons:
- Personnel: To discuss specific personnel, where names will be
- Legal Counsel: Consult with legal counsel about a specific legal matter or about litigation.
- Economic Development: Discuss a previously unannounced economic development prospect.
- Contracts: Discuss a public contract or PPEA proposal when discussion in open session would compromise your strategy.
- Acquisition or Sale of Real Estate: Only when discussion in public would compromise your negotiations.



Certifying a Closed Meeting

- Every closed meeting must be certified. This means that every member must certify that to the best of that person's knowledge:
- Only public business matters lawfully exempted from open meetings requirements under FOIA and
- Only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered.
- Vote is by a roll call. If you believe there has been a departure from FOIA, say it now.

Enforcement

- Enforcement of FOIA is by citizen lawsuit. May be brought in General District Court or Circuit Court.
- Typically, the only relief available to a petitioner is injunction or mandamus.
- Petitioner usually gets his or her attorney's fees, if successful.
- If the violation was willful and knowing, then the person may have a personal civil penalty of between \$500 and \$2,000 for a first offense, and between \$2,000 and \$5,000 for subsequent offenses.
- As of 7/1/19, a person who destroys documents to avoid responding to a FOIA will have to pay a personal civil penalty of \$100 per page. A public body will be fined an additional \$1,000 for willful and knowing violations of closed

Ongoing Training & Guidance

- FOIA Officers must have annual training either from their legal counsel or the FOIA Advisory Council.
- officials, but will generally not respond to questions that are in, or are close FOIA Advisory Council will respond to questions from citizens and public to, litigation.
- The County Attorney will advise all County departments and elected officials, including constitutional officers, upon request.
- FOIA Officers must be registered with the FOIA Advisory Council.
- All elected officials must take these courses upon being newly elected and every other year thereafter.

ATTACHMENT 5

Conflicts of Interest A

BY: MARK C. POPOVICH, COUNTY ATTORNEY

Overview of COIA

State and Local Government Conflict of Interests Act (VA Code § 2.2-31)

- Policy to ensure that legislative members fully and fairly represent the public in the l process and to maintain the highest level of trust in public officers and employees by
- establishing standards of conduct for officers and employees that are uniform throughout the law that defines and prohibits inappropriate conflicts and requires the disclosure of economic • Citizens are entitled to be assured that the judgment of public officers and employees will be Commonwealth
- Required reading a copy of COIA must be provided to anyone required to file a disstatement pursuant to the Act within two weeks following the person's election, reelec employment, appointment or reappointment so; all shall read and familiarize themselv provisions of the Act.

Why should you care about COIA?

misdemeanor (1 year in prison, \$2,500 fine or both), except that if a member of a local g body knowingly violates certain specific sections they shall be guilty of a Class 3 misdem Any person who knowingly violates ANY of the provisions of the Act shall be guilty of \$500 fine)

· A "knowing violation" is one in which a person engages in conduct, performs an act or refuses an act when he/she knows that the conduct is prohibited or required by the Act Any person who knowingly violates any of the provisions shall be guilty of malfeasance i employment Upon conviction, a judge or jury, in addition to imposing any fine or penalty provided by order the forfeiture of your office or employment A civil penalty can also be imposed in an amount equal to the amount of money or thing received by the officer or employee

Definitions are the key..

of a governmental agency that involves the payment of money appropriated (includes su "Contract" – any agreement to which a governmental agency is a party, or any agreemen

"Council" - means the Virginia Conflict of Interest and Ethics Advisory Council

"Immediate family" – means (i) a spouse and (ii) any child who resides in the same house officer or employee and who is a dependent of the officer or employee

"Employee" - any person employed by a governmental or advisory agency, unless other by the Act

"Officer" – any person appointed or elected to any governmental or advisory agency wh he/she receives compensation "Gift" – any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or oth having monetary value, but does not include offers of tickets unless used, honorary degr

Definitions are the key...(cont.)

"Personal interest" - a financial benefit or liability accruing to an officer or employee or of his immediate family which shall exist by reason of:

- Ownership in a business if the ownership interest exceeds three percent (3%) of total equity;
- Annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownershi personal property or a business;
- Salary, other compensation, fringe benefits, or benefits from the use of property, or any combir paid or provided by a business or governmental agency that exceeds or may reasonably be antic exceed, \$5,000 annually;
- Ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ov business, încome, or salary, other compensation, fringe benefits or benefits from the use of pro
- Personal liability incurred or assumed on behalf of a business if the liability exceeds three perce the asset value of the business; or
- · An option of ownership of a business or real or personal property if the ownership interest wil

Definitions are the key...(cont.)

"Personal interest in a contract" – a personal interest that an officer or employee has in a with a governmental agency, whether due to his being a party to the contract or due to a interest in a business that is a party to the contract

committee, subcommittee, or other entity of that agency or before the agency itself, on v "Transaction" - any matter considered by any governmental or advisory agency, whether official action is taken or contemplated

individual or business: (a) is the subject of the transaction; or (b) may realize a reasonably family has a personal interest in property or a business or governmental agency, or repres "Personal interest in a transaction" – a personal interest of an officer or employee in any considered by his agency, which shall exist when officer or employee or a member of his provides services to any individual or business and such property, business or represented direct or indirect benefit or detriment as a result of the action to consider the transaction

Prohibited Conduct (VA Code § 2.2-3

- 1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid by the agency for which his is an officer/employee
- 2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion
- 3. Use for his own economic benefit or that of another party confidential information that was acquired by reason of his public position and which is not available to the public

- 5. Accept any money, loan, gift, favor business or professional opportur reasonably tends to influence him in performance of his official duties
- 6. Accept any business or professior opportunity when he knows that the reasonable likelihood that the opporbeing afforded him to influence him performance of his official duties
- 7. Accept any honoraria for any app speech, or article in which the office provides expertise or opinions relate performance of his official duties

Prohibited Conduct (VA Code § 2.2-3

- 8. Accept a gift from a person who has interests that may be substantially affected by the performance of the officer's or employer's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's/employee's impartiality in the matter affecting the donor
- 9. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain
- 10. Use your public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern

BOTTOM LIN

All it takes is that it ap that something is bein in exchange for favorit your gut tells you it do feel right or doesn't loright, it probably isn't and such conduct shor avoided.

Prohibited Contracts (VA Code §2.2-3

General Prohibition – no person elected to the governing body shall have a personal intere.

- Any contract with his governing body; or
- Any contract with any governmental agency that is a component part of his local government a subject to the ultimate control of the governing body of which he is a member; or
- Any contract other than a contract of employment with any other governmental agency if such governing body appoints a majority of the members of the governing body of the second gove

DOES NOT APPLY TO:

- · Contracts of employment when employment began prior to becoming a member of the govern
- Contracts for the sale of services or goods at uniform prices available to the public; or
- Contracts awarded as a result of competitive sealed bidding (so long as the member has no invo the preparation of the specifications for the contract and the remaining members of the govern resolution, state that it is in the public interest for the member to bid on the contact).

Prohibited Contracts (VA Code §2.2-3

With respect to other officers or employees of local governmen

- No officer or employee of any governmental agency of local government shall have a interest in a contract with the agency of which he is an officer or employee other thar contract of employment
- No officer or employee shall have a personal interest in a contract with any other governorm. agency that is a component of the government of his county, city or town unless such
- · Awarded as a result of competitive sealed bidding or competitive negotiation or is awarded as procedure embodying competitive principles as authorized by the Virginia Public Procuremer
- · Awarded after a finding, in writing, by the administrative head of the governmental agency th competitive bidding or negotiation is contrary to the best interest of the public.

Prohibited Contract Exceptions

VA Code (2.2-3110 provides a list of exceptions to prohibited contracts:

- provided the individual does not participate in any way and this fact is set forth as a matter of p • The sale, lease or exchange of real property between an officer or employee and a governmenta
- The publication of official notices;
- Contracts between the government, with a population of less than 10,000, and an officer or em the total of such contract does not exceed \$10,000 per year or such amount exceeds \$10,000 an \$25,000 but results from contracts arising from awards made on a sealed bid basis;
- individual or member of his immediate family does not participate and has no authority to part An officer or employee whose sole personal interest in a contract with the governmental agency of income from the contracting firm or governmental agency in excess of \$10,000 per year, pr procurement of the contract or he disqualifies himself as a matter of public record;

Prohibited Contract Exceptions (cont

- Contacts between an officer's or employee's governmental agency and a public service corporation, financial institution, or company furnishing public utilities in which the i disqualifies himself as a matter of public record and does not participate in the negot contract or in approving it;
- Contracts for the purchase of goods or services when the contract does not exceed \$!
- all qualified applicants are established solely by the administering governmental agenc Grants or other payments under any program wherein uniform rates for, or the amou
- spouse was employed by such agency for five or more years prior to marrying such of An officer or employee whose sole personal interest in a contract with his own govern agency is by reason of his marriage to his spouse who is employed by the same agenc

Prohibited Transactions (VA Code §2.2-3

Each officer or employee of any state or local government or advisory agency who has a interest in a transaction:

- Shall disqualify himself from participating in the transaction if:
- The transaction has application solely to property or a business or governmental agency in which he has a personal interthat has a parent-subsidiary or affiliated business entity relationship with the business in which he has a personal interes
- · He is unable to participate pursuant to the following three items
- May participate in the transaction if he is a member of a business, profession, occupation, or ga or more persons the members of which are affected by the transaction and he complies with th requirements of the Act;
- May participate in the transaction when a party to the transaction is a client of his firm if he do personally represent or provide services to such client and he complies with the declaration requ
- May participate in the transaction if it affects the public generally, even though his personal inte member of the public, may also be affected by the transaction.

Prohibited Transactions (cont.)

Any disqualification shall be recorded in the public records of the officer's or employee's governmental or advisory agency. The officer or employee shall disclose his personal int required elsewhere in the Act and shall NOT vote or in any manner act on behalf of his

The officer or employee shall be prohibited from:

- Attending any portion of a closed meeting authorized by FOIA when the matter in which he has interest is discussed and
- Discussing the matter in which he has a personal interest with other governmental officers or en

Disqualification shall not prevent any employee having a personal interest in a transaction his agency is involved from representing himself or a member of his immediate family p does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of the Act.

Who Files What Form?

All members of local governing bodies of any city, county or town with a population gre-3,500 and all other local officials and employees who are designated by the local governir required to file a Statement of Economic Interests form (VA Code §2.2-3117) Non-salaried members of local boards, commissions and councils may have to file a Finz Disclosure Statement (VA Code §2.2-3118) if the local governing body requires them to Members of the governing body of any authority having the power to issue bonds or exp appointing governing body requires the members to file the Statement of Economic Inte in excess of \$10,000 in any fiscal year are required to file a Financial Disclosure Statemer

Members of local planning commissions, boards of zoning appeals, real estate assessors a executive officers in any city, county or town with a population greater than 3,500 are rec a Disclosure of Real Estate Holdings

How to File and When to File

Members of local governing bodies are required t documents with the COI Ethics Advisory Counc. their documents with the Clerk of the governing All filers must file their form(s) by February 1 of who shall then be responsible for filing those year.

Who Can Guide You...

Commonwealth's Attorney can provide local officers and employees with advisory opinion •If the local officer or employee does not like the In accordance with VA Code §2.2-3126, the opinion received, he may ask for an Attorney General's review which shall be controlling